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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,040	07/23/2003	Achim Bletz	15804-0107	9518
24267	7590	12/09/2004	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			BENSON, WALTER	
			ART UNIT	PAPER NUMBER
			2858	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,040	Applicant(s) BLETZ ET AL.	
	Examiner Walter Benson	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 8, 9, 11, and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/20/04.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 8/29/02. It is noted, however, that applicant has not filed a certified copy of the DE application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieger et al. (US Patent No. 6,019,007 and Grieger hereinafter) in view of Krause (US Patent No. 6,435, 025 and Krause hereinafter).

Art Unit: 2858

5. As to claim 1, Grieger discloses a level meter employing the radar principle for measuring fill level of a medium in a container [col. 5, lines 15-18] substantially as claimed including:

a signal generator for generating and transmitting an electromagnetic signal, an electrical conductor assembly for feeding the electromagnetic signal emanating from the signal generator into the container (Fig. 1; col. 5, lines 24-27);

returning the portion of the electromagnetic signal reflected by the medium in the container (col. 5, lines 27-29);

an electronic evaluation unit that serves to receive the portion of the electromagnetic signal reflected by the medium in the container and to determine the run time of the signal and thus the fill level of the medium in the container (col. 5, lines 30-33).

Grieger did not expressly disclose:

a transducer is provided for the purpose of measuring another physical variable [claim 1];

where the transducer is provided for temperature measurements [claim 2];

a data transfer interface for the output of the additional physical variable detected by the transducer [claim 3];

where the transducer is mounted on the conductor assembly preferably in detachable fashion [claim 4];

where the single-conductor unit is in the form of a feed line leading to the transducer, making possible a data and/or power transfer via said single-conductor unit from or to the

Art Unit: 2858

transducer, and the electromagnetic signal emanating from the signal generator can be capacitively coupled into the single-conductor unit [claim 6].

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Grieger, as evidenced by Krause.

In an analogous art, Krause discloses an apparatus for determining a physical variable of a medium having:

a transducer is provided for the purpose of measuring another physical variable [claim 1] (col. 3, lines 1-8);

where the transducer is provided for temperature measurements [claim 2] (col. 3, lines 8-10);

a data transfer interface for the output of the additional physical variable detected by the transducer [claim 3] (5, 6, Fig. 1; col. 3, lines 22-24);

where the transducer is mounted on the conductor assembly preferably in detachable fashion [claim 4] (col. 3, lines 35-28);

where the single-conductor unit is in the form of a feed line leading to the transducer, making possible a data and/or power transfer via said single-conductor unit from or to the transducer, and the electromagnetic signal emanating from the signal generator can be capacitively coupled into the single-conductor unit [claim 6] (col. 1, lines 65-67 and col. 1, line 1).

Given the teaching of Krause, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying Grieger by

Art Unit: 2858

employing the well known or conventional features of sensor technology, such as disclosed by Krause in order to measure desired physical variables of a liquid or solid medium.

6. As to claim 5, Grieger discloses a level meter employing the radar principle for measuring fill level of a medium in a container including:

Where the conductor assembly is in the form of a single-conductor unit, preferably a conductor cable, and an insulated inner conductor leading to the transducer extends within the single-conductor unit (col. 6, lines 44-49).

7. As to claim 7, Grieger discloses a level meter employing the radar principle for measuring fill level of a medium in a container including:

where the inner conductor, insulated from and extending within the single-conductor unit, leads to the transducer and serves as a reference-potential connection and preferably as an instrument-ground connection (col. 8, lines 38-43).

8. As to claim 10, Grieger discloses a level meter employing the radar principle for measuring fill level of a medium in a container including:

including a weight in the end region of the conductor assembly, said transducer being positioned on or in said weight (col. 6, lines 59-60).

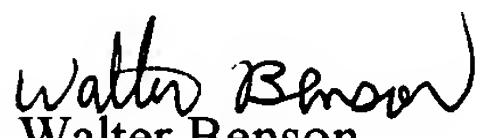
Art Unit: 2858

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Benson whose telephone number is (571) 272-2227. The examiner can normally be reached on Mon to Fri 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Walter Benson
Patent Examiner

December 7, 2004